

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Levergood et al.
 Appl. No.: 09/005,479
 Conf. No.: 2543
 Filed: January 12, 1998
 Title: INTERNET SERVER ACCESS CONTROL AND MONITORING SYSTEMS
 Art Unit: 2155
 Examiner: Patrice L. Winder
 Docket No.: 115274-021

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**SUPPLEMENTARY RESPONSE AFTER FINAL REJECTION PURSUANT TO 37
 C.F.R. §1.116**

Sir:

The present remarks are in response to the Advisory Action dated September 27, 2004, and supplement the response filed on September 30, 2004. In the response, Applicants submitted a declaration by George Winfield Treese that swears behind the *Kahan* reference.

When the response dated September 30, 2004 was filed, a telephonic interview was conducted with the Examiner in a bona fide attempt to advance prosecution of the application, and where the contents of the affidavit were discussed. It was agreed during the Interview that the affidavit would overcome the cited documents. Furthermore, as the Advisory Action was mailed only 3 days before the statutory bar date, Applicants filed a Notice of Appeal to maintain pendency of the Application.

However, since that time, no action has been taken by the USPTO on the merits of the application. It was further learned through numerous telephone discussions with the Examiner, that EFW delays were preventing the application from being considered. To date, Applicants have not filed an Appeal Brief in reliance on the aforementioned telephonic interviews that assured Applicants that the rejection would be withdrawn.

Applicants maintain that the declaration of George Winfield Treese overcomes the cited documents, and provides sufficient evidence of conception and diligent reduction to practice to support the §1.131 affidavit. In the telephonic interview conducted April 28, 2005, the Examiner

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requested Applicants to submit these remarks to memorialize the contents of the aforementioned discussions.

In light of these extraordinary circumstances, Applicants respectfully and earnestly request a prompt examination on the merits. The current delays by the USPTO have caused Applicant to unnecessarily absorb fees, and may potentially prejudice the application as a whole.

If there are any remaining issues the Examiner is encouraged to call Applicants' attorney, Peter Zura at (312) 807-4208 in order to facilitate a speedy disposition of the present case. If any additional fees are required in connection with this response they may be charged to deposit account no. 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY


Peter Zura

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Phone: (312) 807-4208

Dated: April 29, 2005

**Facsimile Transmission**

North Point, 901 Lakeside Avenue • Cleveland, Ohio 44114-1190 • (216) 586-3939
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December 13, 2005

Please hand deliver the following facsimile to:

Name/Company:	Facsimile No.:	Telephone No.:
1. Patrice L. Winder / USPTO	(571) 273-3935	(571) 272-3935

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From: **Suzanne Koston**Direct Telephone No.: **(216) 586-1402**JP No.: **JP012253**CAM No.: **432383-600013**

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Message:**Serial No. 09/005,479**

Per your telephone conversation with Dave Cochran, attached is the response after final rejection filed on April 29, 2005 for the subject case.

Please call us immediately if the facsimile you receive is incomplete or illegible. Please ask for the facsimile operator.

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TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
115274-021In Re Application Of: **Levergood et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/005,479	January 12, 1998	Patrice L. Winder	24573	2155	2543

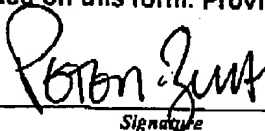
Title: **INTERNET SERVER ACCESS CONTROL AND MONITORING SYSTEMS****COMMISSIONER FOR PATENTS:**

Transmitted herewith is:

Supplementary Response After Final Rejection (2 pages); Return Receipt Postcard

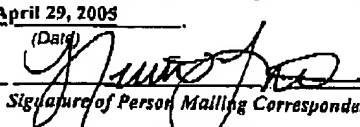
in the above identified application.

- ☒ No additional fee is required.
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SignatureDated: **April 29, 2005**

Peter Zura
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CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	
April 29, 2005	(Date)
	
Signature of Person Mailing Correspondence	
Heather Foster	
Typed or Printed Name of Person Mailing Correspondence	